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January 30, 2023

Via ECF

The Hon. Robert B. Kugler
United States District Judge
USDC, District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, NJ 08101

Special Master the Hon. Thomas Vanaskie
Stevens & Lee
1500 Market Street, East Tower, 18th Floor
Philadelphia, PA 19103

Re: *In re Valsartan, Losartan, and Irbesartan Products Liability Litigation*
USDC, District of New Jersey, No. 1:19-md-2875-RBK

Dear Judge Kugler and Judge Vanaskie:

I write on behalf of the Defendants' Executive Committee to provide Defendants' positions for the conference with the Court on Wednesday, February 1, 2023. There is only one item on the agenda, and it does not require confidentiality.

1. Plaintiff Fact Sheet Deficiencies and Orders to Show Cause

Cases Addressed at the January 4, 2023 Case Management Conference:

The Court issued 9 show cause orders returnable at the February 1, 2023 Case Management Conference:

1. *Estate of Clifford Conley v. Aurobindo, et al.* – 22-cv-3323
2. *Robert Bailey v. Mylan Labs, et al.* – 22-cv-01518
3. *Thomas Amoia v. Mylan Labs, et al.* – 22-cv-02438
4. *Renaë Bishop v. Mylan Labs, et al.* – 22-cv-03441
5. *Robert Lewis v. Aurobindo, et al.* – 22-cv-02524
6. *Estate of James Willis v. ZHP, et al.* – 22-cv-5352
7. *Estate of Gale Barber v. ZHP, et al.* – 22-cv-5051
8. *Mary Ann Knudson v. ZHP, et al.* – 22-cv-4813
9. *Diana R. Balay, Personal Representative of Esteban C. Rodriguez, Deceased, v. Aurobindo Pharma Ltd., et al.* v. *Aurobindo, et al.* – 22-cv-05040

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The issues in the *Conley*, *Bailey*, *Amoia*, and *Bishop* matters are resolved, and the show cause orders may be withdrawn.

The issues in the *Lewis*, *Willis*, *Barber*, *Knudson*, and *Balay* matters remain unresolved, but the parties agree to an extension of the show cause orders until the next case management conference.

Second Listing Cases – Order to Show Cause Requested:

Pursuant to CMO-16, the Plaintiff Fact Sheets in the below cases are substantially incomplete and contain core deficiencies. Each of these cases were previously listed on the agenda for a prior CMC. This list was provided to Plaintiffs' leadership on January 24, 2023, and a global meet and confer was held on January 27, 2023. Defendants have also been available for further discussion as needed. Accordingly, Defendants request that an Order to Show Cause be entered in each of these cases, returnable at the next case management conference, as to why these cases should not be dismissed.

Defense counsel will be prepared to address the individual issues with respect to each of these cases, to the extent necessary, during the February 1, 2023 Case Management Conference:

	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
1.	Mark Czajkowski v. ZHP, et al.	22-cv-5582	Fleming Nolen	Need medical expenses	11/30/22
2.	Beverly Thomson v. Aurobindo, et al.	22-cv-6111	Stark & Stark	Need pharmacy records	12/7/22
3.	Robert Casper v. ZHP, et al.	22-cv-5787	Meshbesher & Spence	Need medical expenses or indicate you are dropping claim	12/5/22
4.	Sheri Barone v. CVS Health, et al.	21-cv-6253	Stark & Stark	Largely deficient PFS, including blank sections IV and VI; need authorizations and signed declaration	11/29/22

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5.	Jacqueline Carter Individually and as Administrator for the Estate of James Carter vs. Mylan Laboratories Ltd., et al.	22-cv- 05561	Hollis Law	No medical expenses; Worker's compensation and disability claim section incomplete; dietary exposure section incomplete	12/5/22
6.	Elie Greene v. Aurobindo Pharma USA, Inc., et al	21-cv- 3214	Serious Injury Law Group	No records or authorizations, sections I.E. & X. are in conflict regarding who completed PFS, plaintiff's purported signature on declaration postdates death by more than a year	5/9/22

First Listing Cases – Remaining Core Deficiencies:

The following Plaintiff Fact Sheets contain core deficiencies which remain unresolved. This list was provided to Plaintiff leadership on January 24, 2023, and a global meet and confer was held on January 27, 2023. Defendants have also been available for further discussion as needed. This is the first time these cases have been listed on this agenda. Accordingly, Defendants are not requesting orders to show cause with respect to any of the below cases at this time and will continue to meet and confer to resolve these deficiencies.

	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
1.	Estate of Max Schwartz v. ZHP, et al.	22-cv- 05685	Levin Papantonio	II.C.4 – dietary questions unanswered; need medical expenses	1/3/23
2.	Deborah Tsakalas v. Aurobindo Pharma, et al.	22-cv- 06294	Fleming Nolen	Need medical expenses	1/3/23

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3.	Estate of Juanita Calhoun v. ZHP, et al.	22-cv-05654	Moore Law Group	All authorizations must be undated; need medical expenses.	1/5/23
4.	Marcus Pittman v. ZHP, et al.	22-cv-06395	Fleming Nolen	<p>III.C.2.a - Please confirm if any non-cancer injuries are being claimed. See C.3.a below;</p> <p>III.C.3.a - This section is for non-cancer injuries claimed as a result of valsartan use. Likely that if you are claiming such injuries that Valsartan was not the medication prescribed.</p> <p>II.D.4 – dietary questions unanswered</p> <p>III.F – annual income in lost wages claim period missing</p> <p>III.G – need medical expenses</p> <p>IV.A – need dates of healthcare providers; IV.D – need dates of Blue Cross coverage</p> <p>VI.A – medications chart blank</p>	1/6/23
5.	Brenda Greksa v. ZHP, et al.	22-cv-6468	Levin Papantonio	Need medical expenses; health insurance authorization needs to be witnessed.	1/12/23

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6.	Nancy Lalonde	21-cv-02620	Law Offices of Michael S. Mehrmann	I.C. – all listed NDC codes are for products other than valsartan; pharmacy and medical records make no mention of valsartan prescription or use; need undated authorizations in proper format; largely deficient PFS.	12/13/22
7.	Kenneth Mintz v. Hetero Drugs, Ltd., et al.	22-cv-6060	Levin Papantonio	<p>No Amended PFS Filed*</p> <p>II.A.1.b – Plaintiff indicated that his hypertension is managed with an alternative medication he has been managing his hypertension with. Please supplement.</p> <p>III.B.3 – Plaintiff failed to specify whether the referenced instructions are still in his possession or not. If so, please produce a copy of said instructions.</p> <p>III.B.4 – Plaintiff did not provide the name of the referenced prescribing physician who gave instructions regarding valsartan use to Plaintiff. Please supplement.</p> <p>III.G.a – III.G.c – Failed to provide any substantive responses to the request to identify Plaintiff's claimed medical expenses, including: the name of the healthcare provider for each claimed medical expense; the date of service for each claimed medical expense; and the monetary amount of each claimed medical expense.</p> <p>V.DI.b – VI.D.c – Plaintiff stated that he used tobacco from 1958 to 1998, but also states that he smoked cigarettes for 23 years. However, the amount of time between 1958 to</p>	1/4/23

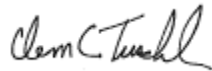
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				<p>1998 is 30 years, instead of 23 years. Please clarify and supplement.</p> <p>XI.A.1 – No health care authorizations produced for: St. Mary's General Hospital; Christopher DiMaio, MD; Lenox Hill Radiology; Dr. Daniel Roses.</p> <p>XI.B.18 – No billing records produced.</p>	
8.	E.O. James Huse, et al. v. Hetero Drugs, Ltd., et al.	22-cv-5829	Levin Papantonio	<p>No Amended PFS Filed.*</p> <p>III.A.1.b – Answering Plaintiff has identified that the last Valsartan usage date for decedent was 8/9/2018 and decedent Plaintiff passed away on 11/6/2020. As such, please supplement and identify how decedent Plaintiff managed his hypertension from the last Valsartan usage date (8/9/2018) until the date of his death (11/6/2020).</p> <p>III.B.5 – Please produce photographs of the referenced Valsartan pill bottle.</p> <p>III.G.a -III.G.c – Failed to provide any substantive responses to the request to identify Plaintiff's claimed medical expenses, including: the name of the healthcare provider for each claimed medical expense; the date of service for each claimed medical expense; and the monetary amount of each claimed medical expense.</p> <p>XI.A.1 – No health care authorizations were produced for: FHC West Family Medicine; or Baylor Scott & White Health. Please produce undated and properly executed authorizations for</p>	1/9/23

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				each of the foregoing health care providers. XI.B.2 – No pharmacy records for H-E-B. XI.B.18 – No billing records produced.	
9.	Yvonne Trautman v. Aurobindo Pharma, Ltd., et al.	22-cv-05471	Fleming, Nolen & Jez, L.L.P	No authorizations; largely incomplete PFS containing numerous areas only stating “will supplement”	12/5/22
10.	David Andreotti, et al. v. Mylan Laboratories, Ltd., et al.	22 - CV- 05291	Meshbesher & Spence, Ltd.	No medical expenses	12/5/22
11.	Maurice Mottie v. Aurobindo Pharma, Ltd. et al	22-cv-06304	Fleming, Nolen & Jez, L.L.P	No medical expenses; medical history incomplete—please specify surgery and provide records reflecting such	1/11/23
12.	Bertha Smith vs. Mylan Pharmaceuticals Inc., et al.	22-cv-06229	Hollis Law Firm, P.A.	No medical expenses	1/12/23

Respectfully submitted,



Clem C. Trischler

c: All counsel of record (via ECF)